

EXHIBIT 9

From: Evette Pennypacker <evettepennypacker@quinnemanuel.com>
Sent: Wednesday, April 22, 2015 10:31 AM
To: Rankin, Bart; Claude M. Stern; Murray, Colin H.; Michaud, Teresa H
Cc: Sara Jenkins; Derek Tang; Michael LaFond; Evette Pennypacker
Subject: Lilith's representation that it will withdraw (without prejudice) its preliminary injunction motion

Bart:

In your email at the bottom of this chain and in our telephone conference on Monday, you stated that Lilith would be immediately withdrawing its preliminary injunction motion without prejudice. You told us on Monday that you did not expect to be able to file the notice withdrawing the motion on Monday, but you would likely be filing it on Tuesday. You also said you were not going to game us by telling us Lilith planned to withdraw the motion then changing your mind at the last minute and deciding not to withdraw it.

Since it is now Wednesday morning and we have not received notification of Lilith's withdrawal, we are understandably concerned.

Please immediately confirm that Lilith will file a notice withdrawing its preliminary injunction motion today.

Thank you,

Evette

From: Rankin, Bart [mailto:W.Rankin@bakermckenzie.com]
Sent: Monday, April 20, 2015 7:26 AM
To: Claude M. Stern; Murray, Colin H.; Michaud, Teresa H
Cc: Evette Pennypacker; Sara Jenkins; Derek Tang; Michael LaFond
Subject: RE: uCool request for return of uCool Heroes Charge source/other code

Claude,

If it still works for your schedule, let's plan on conducting a meet and confer today at 2:30 Central. I can call your office, or if there will be multiple participants from your side, we can use the following dial-in:

1-866-307-6675

ID: 2149783031

Thanks and best regards,

Bart

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BAKER & MCKENZIE

GLOBAL LAW FIRM OF THE YEAR:
INTELLECTUAL PROPERTY
CHAMBERS 2013 AND 2014

From: Claude M. Stern [<mailto:claudestern@quinnemanuel.com>]

Sent: Sunday, April 19, 2015 1:22 PM

To: Rankin, Bart; Murray, Colin H.; Michaud, Teresa H

Cc: Claude M. Stern; Evette Pennypacker; Sara Jenkins; Derek Tang; Michael LaFond

Subject: RE: uCool request for return of uCool Heroes Charge source/other code

Bart,

Thanks for your email.

In response to your points and queries:

1. We have understood your email as informing us that your client will be withdrawing its pending motion for preliminary injunction (PI) tomorrow (Monday) and we no longer are to prepare and file uCool's opposition to the pending PI motion, this coming Friday. If our understanding is inaccurate, please advise immediately. Otherwise, please be sure to copy us on the notice of withdrawal of the PI motion.
2. We are prepared to meet and confer on the discovery motion you are proposing and our opposition thereto. We note that your email below is devoid of any legal authority responding to the plethora of cases we cite earlier to your firm, including the decision of Judge Conti. As such, we have no basis to believe that your threatened motion has any foundation whatsoever. We also see no basis for expedited discovery, as your client consciously waited what appears to be 7 to 8 months before taking any action to file this case.
3. We are prepared to meet and confer on our motion to compel the information we requested in my email to you of April 15.
4. I am available at 10 am and 1 pm tomorrow for a meet and confer per points 2 and 3 above.
5. As to notice of your client's and your firm's conduct regarding the 90% similarity assertion, as I told you, your client's activity is illegal under a variety of federal and state statutes. We do not see how the fact that your client publicized that illegality is germane to discovery from your client. We will be notifying your firm and your client of the basis for your client's illegal activity shortly.

Regards,

Claude

Claude M. Stern

Co-Chair, National Intellectual Property Litigation Practice

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From: Rankin, Bart [<mailto:W.Rankin@bakermckenzie.com>]
Sent: Friday, April 17, 2015 2:40 PM
To: Claude M. Stern; Murray, Colin H.; Michaud, Teresa H
Cc: Evette Pennypacker; Sara Jenkins; Derek Tang; Michael LaFond
Subject: RE: uCool request for return of uCool Heroes Charge source/other code

Claude,

In response to your e-mail below, I first note that the fact that Lilith analyzed and performed a comparison of uCool's source code embodied in Heroes Charge is not a new revelation. To the contrary, Lisa Meyerhoff, of our firm, stated as follows in an e-mail to Apple in November 2014, to which uCool and its outside counsel were copied: "Lilith software personnel have compared its copyright-registered software code of its game with *uCool's software code for the Heroes Charge game*. The similarities in code **exceed 90%**. That is not coincidental." Thus, uCool has known of that comparison since at least November 2014, and our discussion on Wednesday of this week did not reveal anything new in that regard. Further, uCool continues to ignore that the analysis performed rendered the predicted result that uCool misappropriated Lilith's code. And uCool has not articulated any authority that would support its allegations that such an analysis was unlawful or that uCool was harmed in any way. Accordingly, Lilith is not agreeable to providing the information demanded in your e-mail.

With respect to Lilith's requests, as stated in my previous correspondence, and as I explained on Wednesday, now that a lawsuit has been filed, Lilith is merely seeking to proceed under the federal rules of civil procedure and perform a code analysis that uCool has itself previously offered. In particular, and as you have acknowledged, uCool has offered to present its code for analysis in a number of communications, and Lilith is simply asking that uCool make good on that offer. But uCool has now refused based on what we consider to be an improperly narrow reading of CCP section 2019.210. Accordingly, Lilith intends to file a motion with the Court seeking the following relief:

- 1). Production of the source code of Heroes Charge as it existed on March 1, 2015, and a sworn statement identifying any changes made to that code by uCool since that date, including any hot fixes, the date the changes were made, and the reasons for the change;
- 2). The entry of the protective order that was previously circulated to you for review; and
- 3). An expedited schedule for the parties to conduct expert discovery regarding the code comparison and to brief a renewed motion for preliminary injunction (Lilith intends to withdraw the current motion without prejudice such that the discovery issues can be resolved and all supporting information can be presented in one briefing cycle).

While I think we have likely already conferred and reached an impasse, to ensure that we have complied with the Court's local rules, please advise of a time on Monday that you are available for a meet and confer.

Thank you and best regards,

Bart

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From: Claude M. Stern [<mailto:claudestern@quinnemanuel.com>]
Sent: Wednesday, April 15, 2015 6:21 PM
To: Rankin, Bart; Murray, Colin H.; Michaud, Teresa H
Cc: Claude M. Stern; Evette Pennypacker; Sara Jenkins; Derek Tang; Michael LaFond
Subject: uCool request for return of uCool Heroes Charge source/other code

Bart-

In light of the information you first shared with me this morning during our call, when you informed me that your client Lilith Games has in fact obtained in China without uCool's authorization a copy of uCool's "Heroes Charge" code, whether in source, binary or other form (hereinafter "uCool code"), we request the following immediately:

1. Within the next 3 days, and no later than 5 pm PT this Friday, April 17, 2015, return to my office of any and all copies in Lilith Game's or you firm's custody, control or possession of the uCool code;
2. A detailed, written description of:
 - a. The persons who were involved in Lilith or your firm gaining access to and/or copying of the uCool code;
 - b. The methods by which your clients and any person identified in (a) above gained access to, and/or obtained any copy of, the uCool code (including but not limited to any decompiling program your client or your firm used);
 - c. The date(s) on which your client gained access to, and/or made any copy of, the uCool code;
 - d. The date(s) on which your law firm gained access, and/or made any copy of, the uCool code; and
 - e. Any and all persons who were shown or given the code, or any portion thereof, either directly or through access via go-to-meetings or any other virtual device

or technology (including any person who submitted a declaration in support of Lilith's preliminary injunction motion).

- f. Confirmation that your client and your firm have done nothing to destroy or alter documents, emails, text messages, code, materials or other evidence regarding your client's or your firm's gaining access to and/or copying of the uCool code.

This request is without prejudice to any and all rights and claims uCool has regarding the uCool code, or any unauthorized access to or copies of the same.

Respectfully,

Claude

Claude M. Stern

Co-Chair, National Intellectual Property Litigation Practice

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